

Appl. No. 10/G70,107
Reply to Examiner's Action dated 12/29/2005

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. In the present response, the Applicants have amended Claims 5, 8, 12, 14-15 and 20. Support for the amendment can be found in paragraphs 13-15, 18 and 21 of the original specification. The Applicants have not canceled or added any other claims. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-5, 8-12, 15-17 and 19 under 35 U.S.C. §102

The Examiner has rejected Claims 1-5, 8-12, 15-17 and 19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,772,586 to Heinonen. The Applicants respectfully disagree.

Heinonen relates to monitoring the health of a patient by using a portable measuring device for carrying out a measurement in order to evaluate the patient's health and a data processing system that maintains data about the results of the performed measurements. (See column 1, lines 4-12.) Heinonen, however, does not teach a mobile telephone including a vital measurement system as recited in independent Claim 1. Instead, Heinonen discloses a measuring device that includes a measuring unit and a mobile phone. (See column 4, lines 56-57 and Figures 2-3.) In a preferred embodiment, the measuring unit can be connected to the mobile phone through the battery space of the mobile phone. Alternatively, the measuring unit can be connected to the mobile phone through a cable. (See column 4, lines 57-62 and Figures 2-3.) In other words, the mobile phone in Heinonen does not include the measuring unit but is a separate component connected to the measuring unit through the battery space of the mobile phone or

Appl. No. 10/670,107
Reply to Examiner's Action dated 12/29/2005

through a cable. Heinonen, therefore, does not teach a mobile telephone including a vital sign measuring system as recited in independent Claim 1.

Heinonen also does not teach employing a mobile telephone to measure a vital sign including controlling a vital sign measuring system integrated in a chassis of the mobile telephone as recited in amended independent Claim 8. Instead of a measuring system integrated in a chassis of the mobile telephone, Heinonen discloses a measuring unit that is external to a mobile phone. (See column 4, lines 56-62 and Figures 2-3.) Heinonen, therefore, does not teach controlling a vital sign measuring system integrated in a chassis of the mobile telephone. As such, Heinonen does not teach each limitation of amended independent Claim 8.

Regarding Claim 15, the Examiner recognizes that Heinonen does not teach a vital sign measurement system including control circuitry configured to provide vital sign information to a user via a mobile telephone interface and a mobile telephone coupled thereto in response to control signals received from the mobile telephone through the mobile telephone interface via commands input to a microphone of the mobile telephone. (See Examiner's Action, pages 3-4.) Thus, Heinonen also does not teach each limitation of amended independent Claim 15.

Therefore, Heinonen does not disclose each and every element of independent Claims 1, 8 and 15 and Claims dependent thereon. As such, Heinonen does not anticipate Claims 1-5, 8-12, 15-17 and 19. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-5, 8-12, 15-17 and 19 and allow issuance thereof.

Appl. No. 10/670,107
Reply to Examiner's Action dated 12/29/2005

II. Rejection of Claims 6-7, 13-14, 18 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 6-7, 13-14, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Heinonen in view of U.S. Patent No. 6,112,103 to Puthuff, *et al.* The Applicants respectfully disagree.

As discussed above, Heinonen does not teach each limitation of independent Claims 1, 8 and 15. Additionally, Heinonen does not suggest each element of independent Claims 1, 8 and 15 since Heinonen discloses a measuring unit and a mobile phone as separate components and provides no suggestion of using the microphone of the mobile phone to control the separate measuring unit. Thus, Heinonen does not teach or suggest each element of independent Claims 1, 8 and 15.

Puthuff has not been cited to cure the above deficiencies of Heinonen but to teach employing the loudspeaker and the microphone of the mobile phone to exchange information and commands with the measuring unit of Heinonen. (*See Examiner's Action, pages 3-4.*) Thus, the cited combination of Heinonen and Puthuff does not provide a *prima facie* case of obviousness of independent Claims 1, 8 and 15 and Claims dependent thereon. The cited combination, therefore, does not render dependent Claims 6-7, 13-14, 18 and 20 unpatentable. Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 6-7, 13-14, 18 and 20 and allow issuance thereof.

Regarding dependent Claims 7 and 14, the Applicants also do not find where Puthuff teaches or suggests controlling a vital sign measuring system with a microphone of a mobile telephone as asserted by the Examiner. Instead, Puthuff discloses how to wirelessly interface with a mobile phone allowing a user to operate the mobile phone with voice commands. (*See column 3, lines 14-22 and Figures 1-2.*) Thus, Puthuff discloses controlling a mobile phone using voice

Appl. No. 10/670,107
Reply to Examiner's Action dated 12/29/2005

commands but does not teach or suggest using voice commands input to a microphone of a mobile phone to control a vital sign measuring system.

III. Comment on Cited References

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

Appl. No. 10/670,107
Reply to Examiner's Action dated 12/29/2005


IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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